

Keynote speech: Human Rights Consortium Scotland Conference “Our rights, your move”

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Introduction

Good morning, everyone,

I'm Professor Angela O'Hagan, and I have the privilege of serving as Chair of the Scottish Human Rights Commission.

Thank you so much to the HRCS for inviting me to be part of this programme and this very important event, as we face the opportunity – and challenge – of parliamentary elections, and a new parliamentary term. Our context in Scotland and internationally for the protection and promotion of human rights is one of the most precarious we have faced, but in Scotland with organisations like the SHRC and the HRCS, we can face these issues together.

It's now 18 months since I stepped into this role and first had the privilege of speaking at the HRCS conference – 2 weeks after the SG decision to resile from its commitment to an incorporation bill in this parliamentary session.

It has been 18 months of learning, listening, and working alongside people and communities across Scotland who remind us daily why human rights matter. I'm grateful to be here with all of you: human rights defenders, campaigners and community voices, legal practitioners, academics, and researchers, united by a shared commitment to protecting and advancing human rights.

I hope you are seeing the SHRC in new places, in places the SHRC has not been for a while, in the courts, across the media, across Parliament, and across Scotland in ways which the SHRC has not worked or been visible before. There has been a huge period of activity in recent months which the staff team have been stretched and stimulated to deliver, and I want to acknowledge all the hard work across the team that this represents.

It has also been 18 months when I have seen things in Scotland that I have never experienced in my lifetime. The targeting of asylum seekers and refugees in their temporary homes has been a focus, but not the only challenge for people of colour, with more and more Black and minority ethnic people speaking out about their heightened fear and increased experience of abuse and attack. In the last couple of months, I have heard from two older women friends, campaigners I have admired for decades, that they are now feeling afraid – again – for their families and themselves. How has it come to this?

As the Chair of the SHRC, I have sought to engage directly with the FM and Cabinet, the Lord Advocate, and the Chief Constable of Police Scotland on these matters, as well as trying to offer support to the frontline anti-racist organisations, following our public statement in August.

This year's theme, Our Rights. Your Move, speaks directly to the potential fork in the road where we find ourselves. Human rights are not abstract principles, nor are they a foreign imposition. They are the protections that safeguard people's dignity, freedoms and everyday lives. And right now, the choices we make, as institutions, as governments, and as a society, will determine whether those protections are strengthened or weakened.

The status of rights in Scotland today

As Scotland's National Human Rights Institution, our mandate is clear: to promote and protect human rights, and to hold those in power to account. That means shining a light on the experiences of rights-holders, on the performance of duty-bearers, and on the real conditions people face in their communities.

Participation is at the heart of our approach at the SHRC. . We are committed to recognising the humanity, the voice, and the agency, of the person standing beside us. We work with rights-holders, on their behalf, but not at a distance, because rights must be lived, not simply declared.

2025 was a significant year for reflection:

75 years of the European Convention on Human Rights, and

25 years of the Human Rights Act.

These milestones remind us of the progress made and the fragility of that progress. We have seen important commitments in Scotland, particularly around incorporation of international treaties. But we have also seen stalling, slow delivery, and growing political pressure at Scottish and UK levels which seek to chip away at fundamental protections.

Our work, including our Spotlights and State of the Nation reports, shows a mixed picture. The rights framework is there. The tools are there. But implementation and accountability remain inconsistent. And that inconsistency has real consequences for people's lives.

How we are responding as the NHRI

The SHRC has a huge agenda and, as many of you know, a small team. That makes the impact of our work, and the dedication of our staff and Commission Members, even more significant.

In September 2025, we welcomed Aaliya Seyal and Rosemary Agnew as Commission Members. With a full Commission now in place for the first time since 2022, and as we reach the midpoint of our strategic plan for 2024–28, we have the momentum to push forward with renewed focus.

We are here to be a rigorous, independent voice for human rights, and to use our limited resources with care, strategically, and with maximum impact.

What we're doing: No Man's Land

Just last week, we launched our report 'No Man's Land', a human rights analysis of the Tinker Experiment and redress for its victims.

This work was developed closely with members of Scotland's Gypsy Traveller community, people directly affected by a deliberate State policy that forced families to settle, removed children from their parents, and placed people in unsafe accommodation.

What happened

Scottish Gypsy Travellers were subjected to a deliberate set of State actions that destroyed families, culture and identity.

What it meant

The harm was profound, and it continues. Trauma, inadequate housing, discrimination, poor health and educational outcomes are the legacy of this policy. This is a human rights issue. We found evidence of failure to comply with human rights obligations.

Why this matters now

Apologies have finally been issued by the Scottish Government, the Church of Scotland and Perth and Kinross Council after 15 years of tireless campaigning. But a human rights analysis makes one thing clear: an apology alone is not enough.

What needs to happen

We are calling for transformative reparations:

- financial compensation to victims and families
- rehabilitation, cultural investment and community development
- further truth recovery on harms to children
- improved and culturally appropriate accommodation

This report embodies our commitment to participation. It shows what human rights practice looks like when we work alongside communities, when we uncover evidence, and when we hold duty-bearers accountable.

Alongside the support and confidence of members of the Scottish Gypsy Traveller community, and Victims of the Tinker Experiment, we were honoured to have a message from Duhaime Bernard, UN Special Rapporteur on truth, justice and reparation, recognising our work. This is another example of how as Scotland's NHRI, we act as a bridge between domestic realities and global human rights standards, and endorsements like this matter.

What we're doing: State of the Nation

On December 10th, we published our State of the Nation report on economic, social and cultural rights

Our findings show that ESC rights, the rights that protect dignity, freedom and basic needs, are not being consistently realised.

We found:

- an ongoing housing crisis
- people unable to afford essentials such as food, heating and rent
- the absence of a basic income that enables people to live with dignity
- rural communities struggling to access healthcare

The stories behind these findings illustrate the human cost of “eat or heat” choices. They affect health, education, family life and opportunities. Rights are not abstract. They are the stuff of everyday life. And we will continue to hold duty-bearers to account for meeting their human rights obligations.

This, our second SOTN, drew on our domestic monitoring through the ESCRts Spotlight, and our international treaty monitoring, which in 2025 included participation in the CESRC Committee in Geneva. Scotland was well represented and received in the Cttee process, and the evidence from Scotland made an impact with Cttee members.

Many HRCS members have since participated and presented in the seminar series promoting the Concluding Observations from the latest round of international treaty processes, and I am grateful to you for your support and engagement.

Disseminating these important recommendations, drivers for changes and improvements in domestic policy, is a key obligation on NHRIs as well as states parties. I hope you are seeing the re-energised engagement of the SHRC in the international structures and making those connections between the domestic realities and the international frameworks.

The Scottish Government has produced its first, I think, 'High-level action plan' in response to the COs, which is a welcome development and a clear road map for measuring action and progress over the coming period.

SHRC held a parliamentary reception on 11th December, attended by many of you and I am very grateful for that. It was a 'successful' event with strong political commitment and insight from Karen Adams MSP and Convenor of the EHRCJ Committee, and the FM John Swinney who reiterated the SG commitment to the ECHR and overarching need for the rule of law and adherence to international human rights frameworks. However, it was very telling that so few MSPs attended, including only one other member of the EHRCJ Cttee. That tells us a number of things. That as the SHRC we have more to do in building those relationships, and we're on it! Our pivot from technical advice to government to parliamentary scrutiny is clear in the Strategic Plan and is bringing results. But we have more to do. We all have more to do, especially in the context of a new intake of parliamentarians looming, with 40% new members, and a challenging shift in the party representation. We need a strong parliament and a strong understanding of and commitment to uphold, protect and promote human rights in the Scottish Parliament. That is our challenge - for our rights and their move.

What we're doing: local ESC rights monitoring

To deepen our evidence base, we are also undertaking localised monitoring, region by region.

In 2023, SHRC team members spent six weeks in the Highlands and Islands, speaking to people across twenty towns. We learned that many are unable to afford housing or heating and cannot travel to reach essential healthcare, and for many employment and education opportunities, and even nutritious food are beyond reach – literally physically out of reach due to distance, poor transport, lack of housing, etc. Myself, members and staff colleagues returned to a number of towns and villages across Scotland to meet with communities and duty bearers to work through our findings and recommendations, and our work has not stopped there.

One key result of this research and our engagement with the Scottish Parliament and civil society organisations was the first ever Scottish Parliament debate on economic, social and cultural rights and on a report by the SHRC.

Starting this month, we will visit the South of Scotland with town halls in Galashiels and Dumfries, and a series of focus groups and interviews. We are out and about, close to communities. We're listening and amplifying what we hear. This programme will build a robust, regionally nuanced evidence base we can use to hold duty-bearers accountable.

What we're doing: Access to Justice

Access to Justice is a key pillar of our work. We have a wide-ranging programme of Spotlight research, human rights analysis, and engagement with people in detention and their families, people who have died in detention, duty bearers, the Scottish Government and Scottish Parliament.,

In August 2025, we published a spotlight report revealing serious failings in the handling of prison complaints. The current process is complex, inaccessible, and effectively closed off to many especially disabled people, people with lower literacy, and those whose first language is not English.

Without an effective complaints mechanism, people in prison have no route to remedy, and the system has no route to improvement.

People do not lose their human rights at the prison gate. Scotland must do better.

A particularly powerful area of work in which SHRC has been engaged for some years, is the Fatal Accident Inquiry process. Following previous SHRC work in the Inquiry into Deaths in Custody, and evidence from others, early in 2025 the Sc Gvt announced a short-term Review of the FAI process. SHRC's contribution to that was written evidence, and to commission a 'Family Listening Day' from INQUEST. At this event, SHRC joined COPFS, PIRC, Scottish Government, HMIPS, and other duty bearers in listening to the harrowing experiences of families whose family members

have died in custody across the prison and custody estate in Scotland. Sheriff Principal Abercrombie has now released his report, and it is for the Scottish Government and others to act quickly and meaningfully in making these recommendations reality.

Our Strategic Plan committed us to engaging with 'rights at risk' and ensuring access to justice for those whose rights are at risk – disabled people, Scottish Gypsy Travellers, transgender people, women, Black and minority ethnic people.

You will see our work in this space in the international treaty reporting, including on CRPD and UKIM, and the Council of Europe 'Cost of Living' report, and across CERD, and IPPR. We will be producing a short series of 'Rights Reviews' on the issues coming across our desks at the SHRC, including on homelessness and housing, as well as the issues before Commission including social care complaints processes and wider issues across social care.

You will see this in the emerging work on our Spotlight on Poverty, framing the realities and intersectional experiences of poverty in Scotland as a human rights issue.

You will see this in our ongoing focus on the right to independent living of people with severe learning disabilities, following our research and engagement with people in 'care' and their families, and the follow through from the Commission looking to use our powers in a way that has not previously been considered by the SHRC.

You will see this in our emerging strategic litigation strategy and the work specifically engaging the UNCRC Scotland act, with a new staff member dedicated to this work, and our growing interaction with the courts, other officeholders including CYPSC; and our recent announcement of the development of a Legal Advisory Group and strengthening our relationships with community law organisations and the institutions of Scotland's legal establishment.

Strengthening Human Rights in Scotland

Across our work, the Commission has heard two parallel narratives.

A hostile environment for human rights in some parts of public discourse:

Community voices that remind us why human rights matter, every day.

Human rights protect individuals from the worst abuses by the State. They place legal duties on public bodies. They ensure that people can live with dignity, free from discrimination, with their basic needs met.

Our position is clear:

The answer to Scotland's challenges is not retreating from human rights, it is strengthening the human rights framework.

We outline three key priorities:

1. Protecting and defending fundamental rights

If you were at our Parliamentary event in December, you will have heard the First Minister ask: "Where would Scotland be without the ECHR?" Where indeed. It is a question we should all continue to ask.

The ECHR protects our freedoms: expression, protest, belief. And it shields us from persecution and State overreach. Any attempt to carve out protections for specific groups undermines the universality of rights: if rights are weakened for one group, they are weakened for all.

As one of our members said recently , "the biggest risk to the HRA and ECHR is they will not survive if only supported by small pockets within political parties but must be supported across parties and parliament."

2. Strengthening the legal framework

Incorporation matters, but it must be done clearly, within devolved powers, and in a way that improves accountability rather than complicating the landscape. This means:

- clarity for duty-bearers,
- clarity for rights-holders, and
- legislative practice that routinely embeds human rights analysis.

But incorporation is not a silver bullet. It's not incorporation or bust. We can - and parliament must - continue to strengthen the protection of human rights, with or without a human rights bill.

3. Improving access to justice

People must have effective, accessible routes to remedy when things go wrong — whether in prisons, mental health settings, residential care or other contexts.

The SHRC itself could also play a stronger role, if granted additional powers such as the ability to conduct inquiries or bring cases directly.

A stronger NHRI for Scotland is a clear focus and aspiration of the Commission. That is clear from our weighty submission for reaccreditation as an A-status NHRI. That status is precious to the SHRC and important for people in Scotland. It matters because it means SHRC has direct route into the accountability and scrutiny processes of the UN and international treaty mechanisms. That brings sharp focus on rights realisation direct to Scotland from the UN.

It matters because the SHRC is unique in the NHRI landscape in the UK as the only NHRI that is independent of government, having been set up as an officeholder of the Scottish Parliament. That independence, along with the pluralism of our engagement and representation ensures our adherence to the Paris Principles which formulate the character of NRHIs, and which the proposed changes to SHRC mandate we are asking for will further secure.

We are also clear in all these processes, and in our legal interventions, that the SHRC is Scotland's NHRI, with the mandate for human rights in Scotland.

The SPCB Officeholder Landscape Review – easy for me to say – recommended in its report that further review of the mandate of the SHRC was desirable. We welcome this acknowledgement that the SHRC lacks necessary powers in relation to securing access to justice for individuals in Scotland and look forward to progressing these changes in the next parliamentary term.

Recognising Human Rights Defenders

I want to acknowledge the many human rights defenders in this room and across Scotland.

People like Tressa Burke, who declined an MBE in protest at the “simply intolerable” conditions facing disabled people in the UK.

People in the Scottish Gypsy Traveller community who fought for justice for decades, and the people in Castlemilk who gave evidence to the CESCR Committee in Geneva to tell the UN about their fight for access to a local supermarket, and others in this room who raised multiple challenges to rights, including to LGBTQ rights, directly with Committee members.

And I also want to mention one of Scotland's most ardent and committed Human Rights Defenders, Clare McGillivray, to whom I am sure we all send our condolences and support, as well as our appreciation for her work.

Of course, I cannot mention you all by name. There are so many of us.

People working daily to make rights real in their communities. Nobody can do this work alone.

As the NHRI, we have a clear role and mandate. But we can only have a real impact if we work alongside and recognise the invaluable contributions of human rights defenders and civil society groups who are making a difference every day.

Conclusion — Your Move

As we look ahead, the choices made by Parliament, by government, by institutions and by all of us will determine the future of rights in Scotland.

We need:

- A strong, independent NHRI
- A robust commitment to human rights from Scotland's Parliament and Government
- An informed public who understands what their rights are, and what they stand to lose
- A well-resourced and supported civil society who can hold communities and hold authorities accountable.

As we say repeatedly, human rights are not abstract. They belong to us all. They shape our daily lives, our freedoms, our dignity, our future.

And the question before us. Our Rights. Your Move is not rhetorical.

It is a call to action.

Thank you